

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1253 of 2024

Arising Out of PS. Case No.-95 Year-2023 Thana- UPHARA District- Aurangabad

1. Umakant Kumar Son of Kisun Yadav Resident of vill.-Mahesh Parasi, P.S.-Uphara, Distt.-Aurangabad
2. Sunil Kumar Son of Nandlal Yadav Resident of vill.-Mahesh Parasi, P.S.-Uphara, Distt.-Aurangabad
3. Niraj Kumar Son of Ram Prasad Yadav Resident of vill.-Mahesh Parasi, P.S.-Uphara, Distt.-Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhagwaan Das Son of late Govind Ram Resident of vill.-Mahesh Parasi, P.S.-Uphara, Distt.-Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 11-09-2025 1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 22.12.2023 passed by the learned Special Judge SC/ST-cum-Additional District & Sessions Judge-1st, Aurangabad in connection with ABP No.2410 of 2023 arising out of Uphara P. S. Case No.95 of 2023, instituted for the offences under Sections 147, 149, 341, 323, 325, 354, 379, 448, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s)(w),3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been



rejected.

3. The learned counsel appearing on behalf of the appellants submits that despite the respondent no.2 receiving notice chooses not to appear and contest. It is next submitted that the appellants are persons with clean antecedent and the informant alleges that on 12.11.2023, the accused persons including the appellants were bursting crackers, which was objected by the informant on which it is alleged that appellants started abusing and thereafter, entered his house and assaulted him and his son and also snatched the mangalsutra of his wife and even took away Rs.2,000/-.

4. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of abuse and assault is general and omnibus in nature i.e. no specific allegation is alleged against the accused persons. It is also submitted that the occurrence took place inside the house of the informant and thus, was not in public view nor the FIR even remotely suggests that the occurrence was witnessed by any independent witness. It is further submitted that no doubt, on account of bursting crackers, an altercation had taken place but then the appellants neither abused nor assaulted the informant and



his family members. It is also submitted that allegation of snatching and taking away Rs.2,000/- is ornamental in nature. It is further submitted that this perhaps explains why the respondent no.2 despite receiving notice chooses not appear and contest.

5. The learned Special P. P. opposes the anticipatory bail application.

6. Regard being had to the aforesaid submissions, the order dated 22.12.2023 is set-aside.

7. The appeal stands allowed.

8. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST-cum- Additional District & Sessions Judge-1st, Aurangabad in connection with ABP No.2410 of 2023 arising out of Uphara P. S. Case No.95 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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